

# **EXHIBIT D**

# Estate of Robert Blair

# VCF Documentation



September 11th  
Victim Compensation Fund

June 10, 2019

ROBERT BLAIR  
C/O WENDELL TONG  
SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, PC  
120 BROADWAY 18TH FLOOR  
NEW YORK NY 10271

Dear ROBERT BLAIR:

The September 11th Victim Compensation Fund ("VCF") has reviewed your Eligibility Form. You submitted an Eligibility Form on behalf of ROBERT BLAIR. Your claim number is VCF0114391. Your Eligibility Form was determined to be substantially complete on June 07, 2019. As stated in the Regulations and on the claim form, by filing a substantially complete Eligibility Form, you have waived your right to file or be a party to a September 11th-related lawsuit on behalf of the decedent and his or her survivors.

#### **The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, the decedent has been found eligible for the following injuries:

- MALIGNANT NEOPLASM OF THE COLON WITH METASTASES

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

#### **What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any compensation, you should amend your claim. If you choose to amend your claim, you will need



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to use the VCF Private Physician process. The Private Physician process is a way for the VCF to gather the required information about the decedent's treatment in order to process your claim. All forms are available on the VCF website under "Forms and Resources." The website also includes detailed information and instructions on the Private Physician process.

**If the decedent did not have injuries other than those listed above,** you should submit your Compensation Form and required supporting materials. If you have already submitted your Compensation Form, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: ROBERT BLAIR



September 11th  
Victim Compensation Fund

October 6, 2020

ROBERT BLAIR

[REDACTED]

**Re: CLAIM NUMBER: VCF0114391**

Dear ROBERT BLAIR:

The September 11th Victim Compensation Fund (“VCF”) sent you a letter on January 27, 2020 notifying you of the decision on your claim and the amount of your award. That letter included a request for documents that were missing from your claim and are required in order to process your payment. The VCF has since received the requested documents and this letter provides the details of your award and information on the next steps to be taken on your claim.

After reviewing the responses in your claim form, the documents you submitted in support of your claim, and information from third-party entities, the VCF has calculated the amount of your award as [REDACTED]. This determination is in accordance with the requirements of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act (“VCF Permanent Authorization Act”). The enclosed “Award Detail” includes a detailed explanation of the calculation and a list of the eligible conditions that were considered when calculating your award.

Lost earnings were not awarded because of Mr. Blair’s advanced age and because he did not have reported earnings since before he volunteered at the World Trade Center. Replacement services compensation for “guidance” was not awarded because Mr. Blair did not have minor children or special needs adult dependents. The VCF has determined that the loss of Mr. Blair’s FDNY pension benefits, which terminated at his death, is not a loss compensable by the VCF. That said, the Special Master recognizes the fairness disparity in a process whereby former first responders, such as your father, who responded to the WTC site in the wake of the attacks, do not qualify for Line of Duty death designations from their former employers because they were not officially deployed to the response effort. The VCF took this into consideration and included a flat economic loss award of [REDACTED] in calculating this award.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.



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## What Happens Next

The VCF will deem this award to be final and will begin processing the full payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account designated on the VCF ACH Payment Information Form or other payment authorization document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated, or if you believe you can demonstrate extraordinary circumstances indicating that the calculation does not adequately address your loss. **If you choose to appeal, your payment will not be processed until your hearing has been held and a decision has been rendered on your appeal.**

To appeal the award, you must complete two steps by the required deadlines:

1. Complete and return the enclosed **Compensation Appeal Request Form** within **30 days from the date of this letter**. Follow the instructions on the form and upload it to your claim or mail it to the VCF by the required deadline. If you do not submit your completed Compensation Appeal Request Form within 30 days of the date of this letter, *you will have waived your right to an appeal* and the VCF will begin processing any payment due on your claim.
2. Complete and submit your **Compensation Appeal Package** (Pre-Hearing Questionnaire, Compensation Explanation of Appeal, and all applicable supporting documents) no later than **60 days from the date of this letter**. It is important that you carefully review the information enclosed with this letter and follow the instructions if you intend to appeal your award. Additional instructions on the appeals process can be found on the VCF website under “Frequently Asked Questions” and in the Policies and Procedures available under “Forms and Resources.”

Once your complete Compensation Appeal Package is submitted, the VCF will review the information to confirm you have a valid appeal, and will notify you of the next steps specific to your appeal and the scheduling of your hearing.

- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source



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payment, please complete the "Collateral Offset Update Form" found under "Forms and Resources" on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.

If you have any questions, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0114391**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



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Victim Compensation Fund

## Award Detail

Claim Number: VCF0114391  
Decedent Name: ROBERT BLAIR

<b>PERSONAL INJURY CLAIM (Losses up to Date of Death)</b>	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	[REDACTED]
<b>Subtotal Award for Personal Injury Claim</b>	[REDACTED]



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<b>DECEASED CLAIM (Losses from Date of Death)</b>	
<b>Loss of Earnings including Benefits and Pension</b>	
Offsets Applicable to Lost Earnings and Benefits	
Survivor Pension	
SSA Survivor Benefits	
Worker's Compensation Death Benefits	
Other Offsets related to Earnings	
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>	
<b>Total Lost Earnings and Benefits Awarded</b>	\$0.00
<b>Other Economic Losses</b>	
Replacement Services	\$0.00
Burial Costs	
<b>Total Other Economic Losses</b>	
<b>Total Economic Loss</b>	
<b>Non-Economic Loss</b>	
Non-Economic Loss - Decedent	
Non-Economic Loss - Spouse/Dependent(s)	\$0.00
<b>Total Non-Economic Loss</b>	
<b>Additional Offsets</b>	
Social Security Death Benefits	\$0.00
Life Insurance	
Other Offsets	\$0.00
<b>Total Additional Offsets</b>	
<b>Subtotal Award for Deceased Claim</b>	



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<b>Subtotal of Personal Injury and Deceased Claims</b>	
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	[REDACTED]
<b>Factors Underlying Economic Loss Calculation</b>	
Annual Earnings Basis (without benefits)	
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

<b>Eligible Conditions Considered in Award</b>
Malignant Neoplasm of The Colon With Metastases

# Family Member Affidavits

Matthew Blair

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
JILL ACCARDI, et al.,

**AFFIDAVIT OF  
MATTHEW BLAIR**

Plaintiffs,

21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK )  
: SS  
COUNTY OF PUTNAM )

MATTHEW BLAIR, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at

2. I am currently 53 years old, having been born on [REDACTED]

3. I am the son of Decedent, Robert Blair, upon whose death my claims are based, and submit this Affidavit in connection with the present motion for a default money judgment for the claim made on behalf of my father's estate and for my solatium claim. On February 16, 2018, I was issued Letters Testamentary as Co-Executor on behalf of my father's estate by the Dutchess County Surrogate's Court.

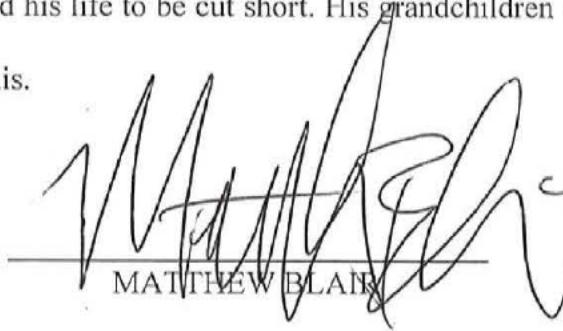
4. My father passed away from colon cancer on December 6, 2017, at the age of 73. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My father and I shared a special relationship. His words and actions guided me through life. He was involved in my family activities, especially in the raising of his grandchildren. The time was cut short, and his young grandchildren were deprived of the chance to learn from him and be loved by him.

6. My father visited Ground Zero for a month to dig through the rubble in the hopes of finding his firefighter brothers. He was retired from the Fire Department of New York by that time, but his love remained for his firemen, and he did everything he could to help with search and rescue efforts.

7. Due to the exposure of the 9/11-related dust and toxins during his search efforts down at Ground Zero, my father contracted colon cancer. He underwent a surgical procedure in which a colostomy bag was inserted in him in the hopes of improving his condition, but it did not. The treatment following the procedure was difficult for him to endure. It weakened him extensively and he was unable to pass away in peace due to the pain and suffering he felt.

8. My father's death impacted his children and grandchildren immensely. The tragedies on 9/11 affected his life and caused his life to be cut short. His grandchildren will never grow up with their grandfather because of this.



MATTHEW BLANK

Sworn before me this

9<sup>th</sup> day of Sep, 2023



Notary public

RAYMOND P. LIVEZLAIN  
Notary Public, State of New York  
No. 2382400  
Qualified in Putnam County  
Term Expires 10/31/2025

Robert Blair, Jr.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

JILL ACCARDI, et al.,

**AFFIDAVIT OF  
ROBERT BLAIR, JR.**

Plaintiffs,

21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF CONNECTICUT )  
: SS  
COUNTY OF FAIRFIELD )

ROBERT BLAIR, JR., being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at

2. I am currently 54 years old, having been born on [REDACTED]

3. I am the son of Decedent, Robert Blair, upon whose death my claims are based, and submit this Affidavit in connection with the present motion for a default money judgement for the claim made on behalf of my father's estate and for my solatium claim. On February 16, 2018, I was issued Letters Testamentary as Co-Executor on behalf of my father's estate by the Dutchess County Surrogate's Court.

4. My father passed away from colon cancer on December 6, 2017, at the age of 73. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My father, Robert Blair, Sr., was a firefighter for the City of New York for about thirty-three years. He cared deeply for his career and for his family and sought to allocate as much time and attention as possible for his three children and five grandchildren. My parents lived close to me and to my siblings, which made it possible for them to spend a great deal of time with my children by watching over them or cheering them on at their sporting events and school activities.

6. Dad had been retired from the FDNY for two years when national tragedy struck on September 11, 2001. He watched the burning and collapsing of the Twin Towers on the television screen and told my mom he felt the need to go help his fellow firemen. He immediately reported to Ground Zero with several of his retired colleagues later that day to assist in search and rescue efforts. He returned to Ground Zero every day during the immediate subsequent weeks to assist with rescue efforts and find any possible survivors underneath the rubble.

7. In 2013, the doctors diagnosed my dad with colon cancer and advised he had a mere five percent chance of surviving the cancer within the next five years. I wish he had said something prior to the diagnosis because he had been suffering from symptoms before 2013, but my mom was rapidly languishing due to her terminal illnesses. Her passing in December of 2012 was difficult to endure, and my father's cancer diagnosis did not lessen the grief my siblings and I felt at the time. He underwent a colostomy, and his condition only worsened to an extreme degree of weakness that required him to remain hospitalized for extended periods of time. He remained at the rehabilitation center for some time, and these visits became part of our normal life until his death in December of 2017.

8. Dad's illness and subsequent death took an emotional toll on the family, especially my sister. She was the one to tend to his needs the most whenever my brother and I were unable to.

I have never seen her more devastated before in her life. My children miss their grandpa. He loved being a grandfather and supporting them perhaps even more than I did. His absence was felt during special occasions, including graduation ceremonies. I wish Dad were still here.



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ROBERT BLAIR, JR.

Sworn before me this

8<sup>th</sup> day of Sept., 2023

Cheryl D'Onofrio  
Notary public

**CHERYL D'ONOFRIO**

**NOTARY PUBLIC**

My Commission Expires July 31, 2025

Kristen Folberth

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
JILL ACCARDI, et al.,

**AFFIDAVIT OF  
KRISTEN FOLBERTH**

Plaintiffs, 21-CV-06247 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK )  
: SS  
COUNTY OF DUTCHESS )

KRISTEN FOLBERTH, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at  
[REDACTED]

2. I am currently 48 years old, having been born on [REDACTED]

3. I am the daughter of Decedent, Robert Blair, upon whose death my claims are based, and submit this Affidavit in connection with the present motion for a default money judgment for the claim made on behalf of my father's estate and for my solatium claim. On February 16, 2018, I was issued Letters Testamentary as Co-Executor on behalf of my father's estate by the Dutchess County Surrogate's Court.

4. My father passed away from colon cancer on December 6, 2017, at the age of 73. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My dad was a firefighter for the City of New York for approximately thirty-three years. He loved his profession very much and maintained his love for it after his retirement. He was also an active parent who cherished his fatherly role and sought to nurture my siblings and I as much as he could. He was our proudest and greatest cheerleader, and he extended his paternal affection to his grandchildren as well. He lived close to my brothers and I, so he was always there to attend his grandchildren's sporting and extracurricular events. He often babysat my children and prepared dinner for them when I was unable to tend to them.

6. Dad retired from the FDNY in 1999, but he never forgot his duty and loyalty to the fire department. As he witnessed the tragic events unfold on September 11<sup>th</sup>, he informed my mother he was compelled to find "his guys." The next morning, he reported to Ground Zero with his fellow retired firemen to partake in search and rescue efforts. He would visit Ground Zero for the following four weeks to search for survivors and assist in rescuing and recovering as much as he could.

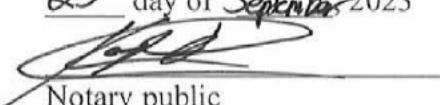
7. When my mom passed away due to chronic obstructive pulmonary disease and amyotrophic lateral sclerosis on December 17, 2012, Dad was experiencing subtle symptoms, but he did not disclose this to anyone because my mother's terminal condition at the time was paramount. He was diagnosed with colon cancer months later and was given a five percent chance of surviving the cancer within the next five years. The cancer unfortunately progressed rapidly, and a surgical procedure was required so that he could remove a portion of the colon and attach a colostomy bag to the stoma. The remainder of my father's life was spent in the hospital as my brothers and I accompanied him to doctor appointments and visitations at the hospital and rehab center. His body weakened and he worsened until he passed away on December 6, 2017.

8. My father's greatest pride and joy were his grandchildren. There was nothing he loved more than fulfilling his duties as a father and grandfather. I wish he could have been present at his grandchildren's graduation ceremonies and weddings. I regret that he never got to witness his grandchildren stand on their own two feet. I miss him every day; the pain is hard to bear.

Kristen Folberth  
KRISTEN FOLBERTH

Sworn before me this

23<sup>rd</sup> day of September, 2023

  
Notary public

